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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,345	03/09/2004	Sridhar Krishnamoorthy	END920030147US1 (17238)	1976
23389	7590	03/03/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			BROOKS, MATTHEW L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/796,345	KRISHNAMOORTHY, SRIDHAR	
	Examiner	Art Unit	
	Matthew L. Brooks	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are not objected to under 37 CFR 1.83(a). Applicants response has satisfied Examiner.

Claim Rejections - 35 USC § 112

2. **Claim 19** was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and has now been corrected by Applicant.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-18** are rejected under 35 U.S.C. 102(b) as being disclosed by Non-Patent Literature: Web-site www.shopcollins.com as seen on the "Way back Machine" with an archive date of February 2, 2003; a print out of which is herein attached and shall be referred to as "**Collins**".

3. With respect to **Claim 1**: Collins discloses

creating a database containing a complete set of after sales service data, including a plurality of equipment service data elements; (See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have a database in order for a "user" to "obtain catalog data for Rockwell" or "Obtain pricing information for Service Parts, Training, and Technical Publications" (see fn 5) as to the additional "after sales" data Applicant is advised to

Art Unit: 3629

look to fn 6 wherein Registered Users can obtain order and shipping status, thus after the sale because is being shipped.

providing an access point for a user to access the database; (Inherently, Collins provided an access point, because it was on the world wide web (See Pages 1-3))

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing the user with access to the database over the Internet, in a secure manner if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10), whereby said access provides the user with a virtual office to enter a variety of transactions using data elements in the database (See Page 1, fn 6 wherein Examiner considers a “virtual office” to be a place on the web that allows a user to do work; transactions include “order service parts” and “Purchase selected Technical Publications”).

4. With respect to **Claim 2**: Collins discloses

wherein the plurality of equipment service data elements comprise data elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable. (See Pages 1 and 3, fn's 1-10) Collins shows that users can “Obtain order and shipping status for any orders placed...” therefore inherently it must keep a customer history.

5. With respect to **Claim 3**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1).

6. With respect to **Claim 4**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

7. With respect to **Claim 5**: Collins discloses

wherein the database is created by a manufacturer of a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user.

8. With respect to **Claim 6**: Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spare parts sales, warranty management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer.

9. With respect to **Claims 7 and 13**: Collins discloses

creating a database containing a complete set of after sales service data, including a plurality of equipment service data elements; (See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have a database in order for a "user" to "obtain catalog data for

Art Unit: 3629

Rockwell” or “Obtain pricing information for Service Parts, Training, and Technical Publications” (see fn 5) as to the additional “after sales” data Applicant is advised to look to fn 6 wherein Registered Users can obtain order and shipping status, thus after the sale because is being shipped.

providing an access point for a user to access the database over the internet; Inherently, Collins provided an access point, because it was on the world wide web (See Pages 1-3)

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing the user with access to the database over the Internet, in a secure manner if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10), whereby said access provides the user with a virtual office to enter a variety of transactions using data elements in the database_(See Page 1, fn 6 wherein Examiner considers a “virtual office” to be a place on the web that allows a user to do work; transactions include “order service parts” and “Purchase selected Technical Publications”)..

10. With respect to **Claims 8 and 14**: Collins discloses

wherein the plurality of equipment service data elements comprise data elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable. (See Pages 1 and 3, fn's 1-10) Collins shows that users can “Obtain order and shipping status for any orders placed...” therefore inherently it must keep a

Art Unit: 3629

customer history. However, Applicant should note that this is non-functional descriptive data and the terminology used in Applicant's claim is not afforded much weight.

11. With respect to **Claims 9 and 15**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1). Applicant should note that although Collins does disclose that the user is at least a customer or potential customer, it is irrelevant because the terms are simply a matter of terminology.

12. With respect to **Claims 10 and 16**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

13. With respect to **Claims 11 and 17**: Collins discloses

wherein the database is created by a manufacturer of a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user. Applicant should note that although Collins does disclose that the user is a service provider, it is irrelevant because the terms are simply a matter of terminology.

14. With respect to **Claims 12 and 18** Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spare parts sales, warranty

Art Unit: 3629

management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer. However, Applicant should note that this is just data and the terms given to the data is simply non-functional descriptive matter.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over "Collins" in view of Official Notice.

Collins shows all of the limitations as described in claim 1 and also shows that the website is a "database and communications resource which is intended to improve the operational reliability of their products" (See page 3, fn 10). Because this is a database in which secure access is required, whomever has access and site is accessed allows the information to flow. Collins shows numbers to call for service calls

Art Unit: 3629

(fn 7) and inherently their own employees have access to this database and anyone who is given the password would allow the field information collected to pass on to any user (OEM or otherwise).

Collins does not show, per se, whom the exact users would be that would have access to the information collected on the web site and the database thereof.

However, in view of Official Notice that it is old and well known to allow service departments, design departments and quality departments access to information obtained from the field so the data may be used to better design and improve products quality and increase customer satisfaction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins to allow the design department and quality departments or any other department some type of access to information obtained on the field in order to effectively use the information to improve products and services.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Pub. No.: US 2002/0016655 A1 (Joao) Which shows a service provider [0018] hosted website [0026] which requires authorized access [0027] and a vast array of services [0028] with a comprehensive data base of the offered product [0029] and an array of training [0030] with the ability to diagnose the problem [0033] and the customer histories including repairs [0034] with the possibility of obtaining data directly from the product.

B. Patent Number 6,003,078 (Kodimer et al).

C. EP 0 822 473 A2 30.07.1997 (Ogushi)

D. "How the Internet Works"; Relevant portions attached herein.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

20. In response to the REMARKS submitted 11/04/05.

21. In response with bottom of page 7; Applicant states that the feature of a "virtual office" is shown in Fig 2 illustrates a database a database and several users or potential users that are provided access to that database and that the figure also shows a number of transactions that may occur. Examiner has pulled the Objection but is

Art Unit: 3629

holding Applicant to his/her own definition is that the DB and access thereto is a "virtual office".

22. In response to pg 9; first P, that all the necessary data are made available to a service provider over the internet Applicant is reminded that Applicant has not narrowed his claim to require such a limitation because applicant has claimed "user" and then defines a user can be three things including a consumer. Even if Applicant had claimed the narrower limitation of allowing a service provider access to the complete information in the database via the network, that the Art provided is that of a consumer's GUI and not that of the Service Provider. However certainly service providers would have some type of secure manner for accessing the data. Furthermore allowing a "sub-contractor" or service provider access to an Intra database comprising transaction information was old and well know with in the art. As shown by "How the Internet Works" on pgs 254-255, wherein a firewall is set up that shows consumers having access to the server in #7 and also in #8 service vendors and sub-contractors in #6.

23. In response to pg 9; 2nd P, Applicant asserts that the user must make a telephone call and that the website does not show all of the information. Although Collins does give a user an option to make a phone call, in fn6 Collins states specifically that registered users can order service parts and has access to much other information stored in a data base from the internet. Applicant may be asserting that no database is required to do the above (what Collins shows), however "How the internet works" shows that a web site requires a database (pgs 168-169) and transactions carried out on Collins would also require access to a database (pgs 254-279).

24. In response to bottom of pg 9 and 10; wherein Applicants states the claims have been amended to indicate that after sales service data is available to an authorized user Applicant is reminded to go through the differences between what a guest/unauthorized user can do (fn 4 and 5) and what a registered/authorized user can do (fn 6). And as to the service provider specifically getting the continuous data stream Applicant is advised rather than merely amending the claims to *indicate* that one of the authorized users may be a service provider, Applicant should affirmatively claim that the authorized user is a service provider, not that it matters much at this point in view of the not yet relied upon reference "How the Internet works".

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

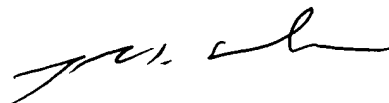
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/796,345
Art Unit: 3629

Page 12

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